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14 Attorneys for Plaintiff: BRANDY HASTINGS

15 **UNITED STATES DISTRICT COURT**
16 **EASTERN DISTRICT OF CALIFORNIA**

17 BRANDY HASTINGS,

CASE NO. 05 CV 00630 MCE GGH

18 Plaintiff,

JOINT STATUS REPORT

19 v.

Complaint Filed 12/15/04

20 GTECH, CORPORATION, and DOES 1
21 through 50, inclusive,

22 Defendants.

23 **A. NATURE OF THE CASE**

24 Plaintiff BRANDY HASTINGS worked for Defendant G-TECH CORPORATION,
25 beginning in November 2000 as an administrative assistant. Plaintiff contends that
26 Defendant created a hostile work environment. Plaintiff is alleging (1) discrimination,
27 harassment, and retaliation in violation of California Government Code sections 12920,
28 12940 *et seq.*; (2) wrongful termination in violation of public policy; (3) breach of express

1 contract; (4) breach of implied-in-fact promise not to terminate but for good cause; (5) breach
2 of implied covenant of good faith and fair dealing; (6) fraud and deceit: false promise; (7)
3 intentional misrepresentation and (8) intentional infliction of emotional distress. Defendant
4 denies each of Plaintiff's allegations.

5 **B. PROGRESS AND THE SERVICE OF PROCESS**

6 Plaintiff served G-TECH CORPORATION with her Complaint on January 7, 2005.
7 The Complaint was filed in the Superior Court of the State of California in and for the
8 County Sacramento. Defendant served Plaintiff with a Notice of Removal on March 28,
9 2005. All Defendants have been served and answered.

10 **C. POSSIBLE JOINDER OF ADDITIONAL PARTIES**

11 The parties do not anticipate that additional parties will be joined in this litigation.

12 **D. CONTEMPLATED AMENDMENTS TO THE PLEADINGS**

13 The parties do not currently anticipate that the pleadings will be amended.

14 **E. THE STATUTORY BASIS FOR JURISDICTION AND VENUE**

15 This action is a civil action of which the Court has original jurisdiction under
16 28 U.S.C. section 1332. This case was removed to this Court by Defendant pursuant to the
17 provision of 28 U.S.C. section 1441(b), in that it is a civil action between citizens of different
18 states and the matter in controversy exceeds the sum of seventy-five thousand dollars
19 (\$75,000.00), exclusively interest of costs because Plaintiff claims damages in the amount
20 of one million, seven hundred forty-eight thousand dollars (\$1,748,000.00).

21 **F. ANTICIPATED DISCOVERY AND SCHEDULING OF DISCOVERY**

22 The parties have agreed to a modification of normal discovery to facilitate settlement
23 discussions as follows:

24 **1. Changes to Timing Form of Requirement for Disclosures and When**
25 **Rule 26 Disclosures Will be Made**

26 The parties conducted their Rule 26 conference on Friday, May 20, 2005, and have
27 agreed that their Rule 26 Disclosures will be made on or before June 17, 2005.

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1 **2. Subject On Which Discovery May Be Needed**

2 At this juncture, the parties contemplate that discovery will need to be taken on the
3 following subjects (the following list will likely expand as a result of the parties' disclosure
4 and developments that occur during the discovery process): the communications Plaintiff had
5 with co-workers prior to her separation from the company; communications between Plaintiff
6 and Mr. Gunn, Mr. Sevilla, and Ms. Paul prior to her separation from the company; the
7 circumstances surrounding Plaintiff's separation from the company; the reasons for
8 Plaintiff's separation from the company; all of Plaintiff's claims and the extent of Plaintiff's
9 damages.

10 The parties anticipate discovery will be completed June 15, 2006. The parties do not
11 anticipate needing to conduct discovery in phases. Following initial discovery, the parties
12 have agreed to participate in an early neutral evaluation or mediation pursuant to the Eastern
13 District's Volunteer Dispute Resolution Program.

14 **3. Changes, If Any, to Limitations on Discovery**

15 Counsel for the parties have met and conferred on a proposed discovery plan and have
16 agreed to the following:

17 1. Discovery regarding Defendant's financial position, in connection with
18 Plaintiff's punitive damage prayer will be permitted only by order of the Court, upon a
19 showing of substantial probability that Plaintiff will prevail on her punitive damage claim
20 pursuant to Civil Code section 3295(c).

21 2. The parties propose that they abide by the limits on written discovery
22 imposed by the Federal Rules of Civil Procedure.

23 3. The parties do not believe that there is any need to modify the rules
24 regarding the deposition limits.

25 4. The parties do not believe that there is any need to modify the rules
26 regarding third party subpoenas.

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1 **4. Time of Disclosure of Expert Witnesses**

2 Defendant proposes that disclosure of Defendant's experts take place before April 14,
3 2006 and disclosure of Plaintiff's experts take place by April 28, 2006..

4 **5. Discovery Cut-Off Dates**

5 The parties propose that discovery shall end June 15, 2006.

6 **G. CONTEMPLATED DISPOSITIVE MOTIONS AND PROPOSED DATES BY**
7 **WHICH ALL NON-DISCOVERY MOTIONS SHALL BE FILED**

8 Defendant anticipates filing a motion for summary judgment. The parties propose that
9 all dispositive motions shall be filed by August 18, 2006.

10 **H. PROPOSED DATE FOR FINAL PRE-TRIAL CONFERENCE**

11 The parties propose that the final pre-trial conference be held on October 20, 2006.

12 **I. PROPOSED DATE FOR TRIAL, ESTIMATE OF DAYS OF TRIAL AND**
13 **WHETHER JURY TRIAL DEMANDED**

14 The parties propose a trial date of December 6, 2006. Both parties have demanded
15 a jury trial and trial is estimated to take approximately seven (7) days, including jury
16 selection.

17 **J. APPROPRIATENESS OF SPECIAL PROCEDURES**

18 The parties do not anticipate any special procedures.

19 **K. PROPOSED MODIFICATION OF STANDARD PRE-TRIAL PROCEDURES**

20 The parties do not propose any modification to standard pre-trial procedures, other
21 than those outlined above.

22 **L. RELATED CASES**

23 The parties are not aware of any related cases.

24 **M. PROSPECTS FOR SETTLEMENT**

25 The parties have agreed that the following an initial period of informal discovery as
26 described in paragraph F, above, they will participate in the Eastern District Voluntary
27 Dispute Resolution Program.

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1 **N. OTHER MATTERS**

2 The parties are not aware of any other matters that may add to the just and expeditious
3 disposition of this matter.

4 Dated: May 20, 2005

Respectfully Submitted,

5 PORTER, SCOTT, WEIBERG & DELEHANT
6 A Professional Corporation

7 /s/
8 By _____
9 Michael W. Pott
Justin N. Telford

10 Dated: May 20, 2005

BEYER, PONGRATZ & ROSEN

11
12 /s/
13 By _____
14 Etan E. Rosen